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HOUSE BILL 231

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO DOMESTIC VIOLENCE; INCREASING PENALTIES FOR BATTERY AGAINST HOUSEHOLD MEMBERS; REQUIRING OFFENDERS TO PARTICIPATE IN AND COMPLETE A DOMESTIC VIOLENCE OFFENDER TREATMENT PROGRAM

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-3-15 NMSA 1978 (being Laws 1995, Chapter 221, Section 6, as amended) is amended to read:

"30-3-15. BATTERY AGAINST A HOUSEHOLD MEMBER. - -

A. Battery against a household member consists of the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner.

B. Whoever commits battery against a household member is guilty of a misdemeanor.

C. Upon a second conviction pursuant to this

underscored material = new
[bracketed material] = delete

1 section, an offender shall be sentenced to a jail term of not
2 less than forty-eight hours that shall not be suspended,
3 deferred or taken under advisement.

4 D. Upon a third conviction pursuant to this
5 section, an offender shall be sentenced to a jail term of not
6 less than thirty consecutive days that shall not be suspended,
7 deferred or taken under advisement.

8 E. Upon a fourth or subsequent conviction pursuant
9 to this section, an offender is guilty of a fourth degree
10 felony and the offender shall be sentenced to a term of
11 incarceration of not less than six months that shall not be
12 suspended, deferred or taken under advisement.

13 F. Upon any conviction pursuant to this section, an
14 offender shall be required to participate in and complete a
15 domestic violence offender treatment program that includes the
16 components set forth in Subsection D of Section 31-12-12 NMSA
17 1978. The requirement imposed pursuant to this subsection
18 shall not be suspended, deferred or taken under advisement."

19 Section 2. EFFECTIVE DATE. --The effective date of the
20 provisions of this act is July 1, 2005.